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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

PORTLAND DIVISION

DRY BULK SINGAPORE PTE. LTD. )

)

Plaintiff, )

)

Case No.: 3:19-cv-1671

v. )

)

IN ADMIRALTY

Amis Integrity, S.A. *in personam* and )

M/V AMIS INTEGRITY (IMO 9732412) )

her engines freights, apparel )

appurtenances, tackle, etc., *in rem*, )

)

Defendants. )

**PLAINTIFF DRY BULK SINGAPORE PTE. LTD.'S  
EX PARTE MOTION FOR ISSUANCE OF WARRANT OF ARREST**

COMES NOW Plaintiff, DRY BULK SINGAPORE PTE. LTD. (hereinafter "DRY BULK"

or "Plaintiff"), and moves *ex parte* pursuant to Rule C of the Supplemental Rules for Certain

Admiralty and Maritime Claims of the Federal Rules of Civil Procedure for an Order authorizing *in*

*rem* arrest and directing the United States Marshal to proceed forthwith and arrest the M/V AMIS

INTEGRITY, her engines, freights, apparel, appurtenances, tackle, etc., *in rem* (hereinafter referred

to as “the Vessel”), to enforce a maritime lien for the breach of the charter party and the general maritime law of the United States. As grounds for this motion, Plaintiff respectfully states as follows:

1. Plaintiff filed a Verified Complaint in Admiralty pursuant to Rule 9(h) of the Federal Rules of Civil Procedure and Rule C of the Admiralty Rules against Amis Integrity S.A. *in personam*, as the owner of the M/V AMIS INTEGRITY, and further asserting, *inter alia*, a valid maritime lien against the M/V AMIS INTEGRITY for the improper and unjustified withdrawal of the Vessel from Dry Bulk’s service under an existing charter fixture with a company called 24Vision, conversion of unearned charter hire and bunkers, tortious interference with the existing charter fixture agreement and unjust enrichment *See Doc. 1, ¶¶ 5-28.*

2. As pled in Plaintiff’s Verified Complaint, this is an action to recover damages against the named defendants for the improper and unjustified withdrawal of the vessel from Dry Bulk’s service under an existing charter fixture, conversion of unearned charter hire and bunkers, tortious interference with the existing charter fixture agreement and unjust enrichment in the amount of USD 3,663,000, plus applicable costs and fees. *Id.* Consistent with the practice of this Circuit and Supplemental Rule E(5), Plaintiff seeks an Order of Arrest for **USD 3,663,000** for the outstanding balance (plus reasonable estimates for interest, costs, and fees, etc. at the standard rate for this District of twice the fairly stated claim). *Id.*, ¶¶ 23-28; *see also* Supplemental Rule E(5).

3. Supplemental Rule C(3) requires the Court to review the Verified Complaint and any supporting papers and, if conditions for an action in rem appear to exist, to issue an Order so stating and authorizing a warrant for the arrest of the Vessel to issue and be delivered to the Clerk who shall prepare the warrant.

4. As a result of the wrongful withdrawal of the Vessel from Dry Bulk's service under an existing charter fixture, conversion of unearned charter hire and bunkers, tortious interference with the existing charter fixture agreement and unjust enrichment all for the benefit of the named defendants, Plaintiff's claim attaches as a maritime lien on the Vessel. *See E.A.S.T. v. M/V ALAIA*, 876 F.2d 1168 (5th Cir. 1989) (the ship caused the loss and directly benefitted by the wrongful conduct can be called to the bar to make good on the loss).

5. The M/V AMIS INTEGRITY is presently or will soon be loading and discharging cargo in Vancouver, Washington in the Columbia River, and is therefore within the jurisdiction of this Court and Plaintiff accordingly moves this Honorable Court for an order authorizing the arrest of Defendant Vessel pursuant to Rule C of the Supplemental Rules and the issuance of an *in rem* warrant of arrest to be served upon the Defendant Vessel by the United States Marshal Service, and that the M/V AMIS INTEGRITY be held during the pendency of this action, unless otherwise directed by this Court.

6. In order to secure this maritime lien claim, Plaintiff moves this Court for an Order authorizing the arrest of Defendant Vessel pursuant to Rule C of the Supplemental Rules, the issuance of an *in rem* warrant of arrest to be served upon the Defendant Vessel by the United States Marshal Service, and that the M/V AMIS INTEGRITY be held during the pendency of the action, unless and until substitute security in the amount of **USD 5,494,500.00** is posted and/or otherwise directed by this Court.

**WHEREFORE**, Plaintiff requests that this Honorable Court enter an order of *in rem* arrest directing the United States Marshal to proceed forthwith and arrest the M/V AMIS INTEGRITY her engines, freights, apparel, appurtenances, tackle, etc., *in rem*, and to grant

Plaintiff such other and further relief as may be just, equitable and proper. Plaintiff attaches a proposed order of arrest hereto.

Dated: October 17, 2019

Respectfully submitted,

SCHWABE, WILLIAMSON & WYATT, P.C.

By: s/*David R. Boyajian* \_\_\_\_\_  
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